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10/509,238

09/24/2004

Johan Agnes Emile Wouters

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/509,238

**Applicant(s)**WOUTERS, JOHAN AGNES  
EMILE**Examiner**

William L. Bangachon

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Examiner Remarks.

**DETAILED ACTION*****Remarks***

1. In response to the application filed 9/24/2004, the application has been thoroughly examined. The Examiner has fully considered the presentation of claims in view of the disclosure and the current state of the prior art. It is the Examiner's position that the application is not in condition for allowance for the reasons set forth in this Office action:

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). **The drawings must show every feature of the invention specified in the claims.** Therefore, the selector for the selection of IR or RF preset code, activator, selector for the subsequent selection of a further preset code recited in claim 1, storage means recited in claims 2 and 9, proposer recited in claim 4, verification means recited in claim 5, further proposer recited in claim 6, communicator recited in claim 7, touch screen recited in claim 8 and program code recited in claims 16-18, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Further, since drawings help facilitate in the understanding of the subject matter sought to be patented, labeled figures/boxes allows one to glance through the drawings without having to keep referring back to the specification. See CFR 1.81(a)-(b).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 19 provides for the use of “**a readable memory**”, claim 20 provides for the use of “**a program or set of programs**” but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. Applicant is advised to include the active, positive step delimiting how the use of a readable memory and set of programs is actually practiced. See MPEP 2173.05(q).

Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2001/0017615 {hereinafter 'Lin et al'}.

Regarding claims 1 and 3-8, Lin et al teach, with reference to the figures and in particular FIG. 1, an intelligent touch-type universal remote control which includes a body 10 (equivalent to the "remote control device" in claim 1), a touch-type screen 11 on the body 10, an infrared transmitter 12 (equivalent to the claimed "IR") arranged on a predefined position of the body 10 for transmitting remote control codes, an infrared receiver 13 (equivalent to the claimed "IR") arranged at a predefined position of the body 10 for receiving remote control codes to perform a learning procedure, a basic button set 20 (equivalent to the claimed "object keys") on the body 10, and a processing unit in the body 10 {see Lin et al, paragraph 0034}. The touch-type screen 11 (recited in claim 8) can be activated (considered as functionally equivalent to the "activator") to display a main menu page by operating the basic button set 20, as shown in FIG. 2. The main menu page (considered as functionally equivalent to the "proposer" in claim 4) provides a macro button (M), an information button (i), a previous page button 111 (considered as functionally equivalent to the claimed "repeat means"), a next page button 112 (considered as functionally equivalent to the claimed "communicator"), and multiple items corresponding to various appliances to be controlled (i.e. claimed "preset codes"). Each of the buttons can be selected simply by touching thereon (considered as functionally equivalent to the claimed "selector") {see Lin et al, paragraph 0035}. When each touch-type item is

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pressed, the menu (considered as functionally equivalent to the communicator in claim 8) corresponding to the pressed item is entered. For example, when the TV item is pressed, the touch-type screen 11 is switched to display the menu for controlling the TV (functionally equivalent to the "verification means" in claim 5). FIG. 3 shows the first page of the menu for controlling the TV, which is a screen, arranged with a set of keys. By touching the keys, the desired TV channels can be selected (functionally equivalent to the "verification means" in claim 5). It is noted that the previous page button 111 and the next page button 112 at the lower portion of the screen are provided for the user to change the displayed page, and thus they remain unchanged when the screen is changed (considered as functionally equivalent to the "further proposer" in claim 6). Taking the selection of a TV channel as an example, the first page is provided for channel select, and the subsequent pages may be provided for other purposes, such as CATV/TV select, TV/VIDEO select, timer setting, volume control, color adjustment and hot keys programming (functionally equivalent to the "multi-mode remote control for enabling combination of a number of preset IR code sets into a single code set" in claim 3) {see Lin et al, paragraph 0037}.

In claims 2 and 9, Lin et al teach, with reference to FIG. 6 which shows the structure of the processing unit, a microprocessor 30 and a memory unit 31 (equivalent to the claimed "storage means") connected to the microprocessor 30. The microprocessor 30 is further connected to the touch-type screen 11, infrared transmitted 12, infrared receiver 13 and basic button set 20. The memory unit 31 (equivalent to the claimed "storage means") is provided to store various control

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commands, user-defined data and default remote control codes for different manufacturers (functionally equivalent to the claimed "preset code sets") {see Lin et al, paragraph 0042}.

Further, Lin et al teach, an automatic searching procedure as a second kind of learning procedure. The memory unit 31 (equivalent to the claimed "storage means") of the processing unit is stored with the remote control codes of various manufacturers (functionally equivalent to the claimed "preset code sets"). With the automatic searching procedure, this structure provides an automatic searching function to compare the default remote control codes (functionally equivalent to the "proposer" in claim 4) and the remote control codes from the original remote control (equivalent to the "IR code sets from outside the remote control device" in claim 9). That is, the user can select the automatic searching function on the touch-type screen 11 (functionally equivalent to the "selector" in claim 1) and then use the original remote control to transmit remote control codes to the remote control body 10. As such, the microprocessor 30 of the processing unit compares the received remote control codes (equivalent to the claimed "IR code sets from outside the remote control device") and the default remote control codes (functionally equivalent to the "proposer" in claim 4). If a matched one is found, a message is displayed on the touch-type screen 11 (recited in claim 8) to notify the user to test the remote control (functionally equivalent to the "communicator" in claim 8). If the test is successful, the learning procedure is completed, and the matched default remote control code is stored in a specific location of the memory unit 31 (i.e. "storage means" in claims 2 and 9).



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Subsequently, the learning procedure can be terminated by exiting the program item or repeated for other manufacturers' appliances. The control flow chart of the automatic searching procedure is shown in FIG. 12 {see Lin et al, paragraph 0051}.

Claim 10 recites a method for practicing the device of claim 1 and therefore rejected for the same reasons.

Claim 11 recites a method for practicing the device of claim 4 and therefore rejected for the same reasons.

Claim 12 recites a method for practicing the device of claim 6 and therefore rejected for the same reasons.

Claim 13 recites a method for practicing the device of claim 7 and therefore rejected for the same reasons.

Claim 14 recites a method for practicing the device of claim 9 and therefore rejected for the same reasons.

Claim 15 recites a method for practicing the device of claim 2 and therefore rejected for the same reasons.

Claims 16 and 20 recites the limitations in claim 1 wherein Lin et al further teach, the processing unit, is able to implement the various functions, including the learning procedure for programming the remote control code for a specific button (equivalent to the claimed "program code"), present on the touch-type screen 11 and operated by the basic button set 20 {see Lin et al, paragraph 0043}.

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Claim 17 recites the limitations of claim 4 and therefore rejected for the same reasons.

Claim 18 recites the limitations of claim 6 and therefore rejected for the same reasons.

Claim 19 recites the limitations of claim 2 and therefore rejected for the same reasons.

### ***Office Contact Information***

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached from Monday through Friday, 9:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Zimmerman can be reached on **(571)-272-3059**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon  
Examiner  
Art Unit 2635

May 17, 2007



BRIAN ZIMMERMAN  
PRIMARY EXAMINER